

**Enrolled Minutes of the Eighth Regular Meeting
For the Twenty-Sixth Highland Town Council
Monday, April 28, 2008**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, April 28, 2008 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the imminent agenda.
2. The Town Council discussed the ten-year abatement request for Bell Supply, Inc. The discussion included review and protection of the policy choice in the event that Bell Supply may move or fail.
3. The Town Council discussed the status of the Shoppes on Main Street Development, located on Main Street in Schererville and the recent news accounts regarding the loss of key tenants prior to construction.
4. The Town Attorney briefed the Town Council and the Clerk-Treasurer on the recent advisory opinion of the Public Access Counselor regarding a filed complaint about the mailed notice of the consideration by the Town Council of an Ordinance to withdraw the waterworks utility from the IURC. It was noted that the Public Access Counselor opined that the notice as mailed met the statutory requirement.

The study session ended at 7:00 O'clock p.m.

Regular Meeting. The Twenty Fifth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, April 28, 2008 at 7:02 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Bernie Zemen presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with Councilor Mark Herak leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Present on roll call were Council Members Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper. The Town Clerk-Treasurer Michael Griffin was present. A quorum was attained.

Additional Officials Present: Rhett Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; and Cecile Petro, Redevelopment Director.

Lisa Gauthier of the Special Events Advisory Committee and Ed Dabrowski of the Park and Recreation Board were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 14 April were approved by general consent.

Special Orders:

1. **Public Hearing:** On the matter of Granting Tax abatement, for a period not to exceed 10 years, to Petitioners Scott and Dave Bell of Bell Parts Supply, Inc., 2609 45th Avenue, Highland, for expansion at the current site, bringing \$475,000 in new assessed value.
(a) Attorney verification of proof of publication. The Town Council Attorney indicated that the proofs of publication were in compliance with IC 5-3-1.

(b) Public Hearing. The Town Council President called the Public Hearing to Order.

1. James Diehl, 10104 Kennedy Avenue, expressed his preference for a two year rather than ten year period for the tax abatement.

There were no further comments written or spoken. The hearing was closed.

- (c) Consideration of **Resolution No. 2008-17:** A Resolution Confirming Terms and Conditions Applicable to an Application for a Property Tax Abatement for a 4,200 ft² Expansion to building, façade improvements, and parking added at 2609-45th Avenue. Councilor Vassar moved the passage and adoption of Resolution No. 2008-17. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND, INDIANA RESOLUTION NO. 2008-17

A RESOLUTION CONFIRMING TERMS AND CONDITIONS APPLICABLE TO AN APPLICATION FOR A PROPERTY TAX ABATEMENT FOR CONSTRUCTION OF A NEW BUILDING ADDITION AND FAÇADE IMPROVEMENTS AT 2609 FORTY FIFTH STREET

Applicant: Mr. Scott Bell and Mr. David Bell d/b/a Bell Parts Supply, Inc.

WHEREAS, Indiana Code 6-1.1-12.1 et seq.; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, Property tax abatement, if approved, is applied as a deduction in the increase in assessed value that results from investment in new construction or rehabilitation of property; and

WHEREAS, On April 14, 2008, the Highland Town Council adopted Resolution No. 2008-14 designating an Economic Development Revitalization Area at 2609 Forty Fifth; and

WHEREAS, An application for property tax abatement for construction of a new building addition and façade improvement (the "Project") to be located on premises legally described as Lot #5 and #6 of the St. James Fifth Addition in the Town of Highland, Lake County, Indiana a/k/a 2609 Forty Fifth Street (the "Real Estate" legally described at Exhibit A) was received from Mr. Scott Bell and Mr. David Bell d/b/a Bell Parts Supply, Inc., a copy of which is attached and incorporated herein by reference at Exhibit B; and

WHEREAS, Said application proposes construction of a new \$475,000 building addition and façade improvement that would bring three to five new jobs to Highland for a total of twenty-five to twenty-seven jobs with an estimated \$761,000 annual payroll that may not proceed but for approval of tax abatement by the Town Council; and

WHEREAS, \$747,200 is the most recent assessed value of the property that is the subject of this resolution, a value assessed before improvements on the premises were added by the applicant; and

WHEREAS, \$1 million is the estimated assessed value of the property upon completion of the Project; and

WHEREAS, The Real Estate is located within an Economic Revitalization Area within the Town of Highland;
and

WHEREAS, The Act empowers the Town Council to approve a deduction as percentage of the increase in assessed value that results from investments in new construction or rehabilitation of property by following a hearing and

confirmation of a Preliminary Resolution, provision of a public notice at least ten days before the date of a public hearing, conducting a public hearing and confirmation of a Final Resolution; and

WHEREAS, The Town Council adopted Resolution 2008-14 fixing 7:00 PM, Monday, April 28, 2008 in the Council Chambers, Highland Town Hall, 3333 Ridge Road, Highland, Indiana, as the time and place for a public hearing for receiving testimony, remonstrances and objections from persons interested in or affected by the proposed application for tax abatement and directed the publication of notice of said hearing in accordance with the requirements of applicable law and notice was published ten days prior to the public hearing; and

WHEREAS, Notice of the public hearing was given to taxing units consistent with statutory requirements of IC 6-1.1-12.1-3 (a) to provide a "Statement of Benefits" expected to be derived from the proposed application ten days prior to the public hearing; and

WHEREAS, Town of Highland has heretofore established a Economic Revitalization Area consistent with its guidelines to create a positive image for the town through well designed, high quality development; increase jobs and generate tax revenues through new development; encourage development of business opportunities for all; encourage private investment along the corridor; enhance district neighborhoods through increased well planned economic opportunities; and to aid in the elimination of incomplete or inappropriate land uses; and

WHEREAS, Real estate located at 2609 Forty Fifth Street, Highland, Indiana continues to be undesirable for, or impossible for, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values of or prevent a normal development of property or use of property, and/or such real estate includes a facility or group of facilities that are technologically, economically, or energy obsolete and which such obsolescence may lead to a decline in employment and tax revenues; and

WHEREAS, In considering the application and statement of benefits submitted by the petitioner, the Town Council has considered the effective utilization of vacant urban land, the stabilization and conservation of neighborhoods, the rehabilitation and replacement of obsolete and deteriorated structures, improvements to the physical appearance of the Town, effective utilization of energy, avoidance of environmental harm and increases in employment and assessed value of property located within the Town; and

WHEREAS, The Town Council now desires to affirmatively act upon the application for tax abatement from Mr. David Bell and Mr. Scott Bell d.b.a. Bell Parts Supply, Inc., a petitioner who seeks to invest, redevelop and rehabilitate property located at 2609 Forty Fifth Street, a property located in the established Economic Revitalization Area,

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED, by the Town Council of the Town of Highland as follows:

Section 1. Having reviewed the designation application and statement of benefits as filed by the petitioner, pursuant to IC 6-1.1-12.1 et seq., and having conducted a public hearing on Monday, April 28, 2008 regarding this matter, the Town Council as the designating body for the Town of Highland hereby makes the following findings and determinations, pursuant to IC 6-1.1-12.1-3(b):

(A) That the Town Council finds and determines in the affirmative that the estimate of the value of the redevelopment or rehabilitation project located at **2609 Forty Fifth Street, Highland**, consisting of construction of a \$475,000 building addition and façade improvement, yielding an estimated final assessed value of **\$ 1 million**, representing an estimated increase over the current assessed value of **\$252,800** is reasonable for projects of this nature;

(B) That the Town Council finds and determines in the affirmative that the estimate of three to five individuals who will be employed and the twenty two individuals whose employment will be retained, for a total of twenty five to twenty seven jobs, can be reasonably expected to result from the proposed redevelopment and rehabilitation;

(C) That the Town Council finds and determines in the affirmative that the estimate of an \$862,000 to \$940,000 annual payroll with average salaries of \$32,000 to \$35,000 per year for those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;

(D) That the Town Council finds and determines in the affirmative that all other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation;

(F) That the Town Council finds and determines in the affirmative that the totality of benefits from the increased private investment by the applicant within the Economic Revitalization Area is sufficient to justify the deduction authorized by this resolution.

Section 2. That Resolution 2008-14 adopted by the Town Council on April 14, 2008 is hereby confirmed and the application for **property tax abatement** upon the *increase in assessed value* in consequence of construction of a new building addition and façade improvements on the Real Estate, located at 2609 Forty Fifth Street, which is the subject of this resolution, is hereby approved for a period of time **not to exceed ten (10) calendar years**, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and the terms of this resolution;

Section 3. That pursuant to enabling authority provided at IC 6-1.1-12.1-2(i)(6), as a condition of approval for the deduction in assessed value, the applicant shall contribute \$4,750 to the Town of Highland at closing from loans proceeds secured for construction of the Project. This payment shall be paid prior to final processing of this designation application.

Section 4. The Clerk-Treasurer is authorized and directed to file a certified copy of this resolution, including a description of the real estate (Lot 5 and Lot 6 of the St. James Fifth Addition to the Town of Highland, Lake County, Indiana (a/k/a 2609 Forty Fifth Street) as contained in Exhibit A to this Resolution, with the Lake County Auditor, and such authorities as may be necessary to perfect this tax abatement authorization, pursuant to IC 6-1.1-12.1-3(d).

DULY RESOLVED and ADOPTED this 28th Day of April 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

/s/ Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

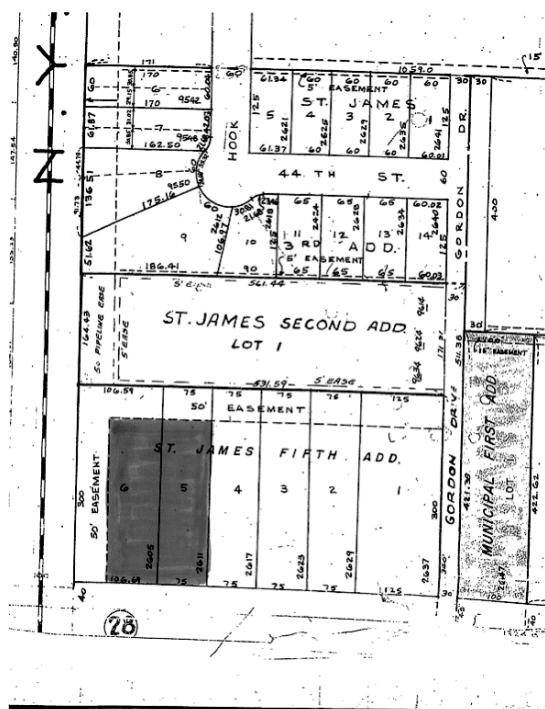
EXHIBIT A

Legal Description of Real Estate, which is the subject of this Resolution No. 2008-17

Lot 5 and Lot 6 of the St. James Fifth Addition to the Town of Highland, Lake County, Indiana a/k/a 2609 Forty Fifth Street, Town of Highland. (Lake County Parcel Number #16-27-0471-0006)s

EXHIBIT B

Application for property tax abatement for construction of a new building addition and façade improvement (the "Project") to be located on premises legally described as Lot 5 and Lot 6 of the St. James Fifth Addition to the Town of Highland, Lake County Indiana a/k/a 2609 Forty Fifth Street (the "Real Estate" legally described at Exhibit A) received from Mr. Scott Bell and Mr. David Bell d/b/a Bell Parts Supply, Inc.



2. **Ceremony:** Administration of Oath of Office for Police Officer Candidate **KELLY A HAYES**. Police Officer Candidate Hayes was appointed by the Town Board of Metropolitan Police Commissioners at its meeting of 10 April 2008, with the appointment to be effective **20th** of April 2008.
 - (a) Action by Town Council determining that the named Candidate Meets the Qualifications for such position, as Determined by the Town Board of Metropolitan Police Commissioners and as now approved by the Highland Town Council. Councilor Kuiper moved that it be found that the named candidate meets the qualifications for the position of police officer, with such qualifications determined by Town Board of Metropolitan Police Commissioners and that the qualifications be now approved.
 - (b) *Administration of Oath*. The Town Clerk-Treasurer presented the instruction and narrative regarding the purpose of the oath and then administered the oath to the police Officer candidate. Police Officer candidate Hayes was duly sworn.
 - (c) Presentation of Badge. The Metropolitan Police Chief presented Officer Hayes with his badge.

Comments from the Public for Topics on the Agenda

This portion of the Town Council Meeting is reserved for persons who desire to address the Town Council. Depending on the nature of the comments, the Town Council may direct the staff to address the topic or follow-up on matters that may arise from public comments. Persons addressing the Town Council are requested to limit their presentations to **three (3) minutes** and to try to avoid repetitious comments.

1. Ray Goodrich, 3728 41st Street, Highland, inquired about the purposes of Ordinance No. 1391 and inquired about the estimated amount of "lost revenue" in consequence of any abatement.

Unfinished Business and General Orders:

1. Establishment of Economic Development Target Area to be co-terminus with the ERA approved April 14, 2008.
 - (a) Letter from Economic Development Commission. The Clerk-Treasurer read aloud a letter reporting the action of the Economic Development Commission at its meeting of March 28, 2008 its recommendation and approval of the establishment of an Economic Development Target Area within the Economic Revitalization Area at 2609 45th Street.
 - (b) Consideration of Introduced **Ordinance No. 1391**. Councilor Herak introduced and filed this ordinance at the meeting of 14 April 2008. There was not further action. Councilor Herak moved the passage and adoption of Ordinance No. 1391. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

TOWN OF HIGHLAND, INDIANA ORDINANCE NO. 1391

AN ORDINANCE DESIGNATING AN ECONOMIC DEVELOPMENT TARGET AREA WITHIN THE BOUNDARY OF AN ECONOMIC REVITALIZATION AREA ESTABLISHED BY RESOLUTION 2008-13 ADOPTED APRIL 14, 2008 THAT IS LOCATED AT 2609 FORTY FIFTH STREET TO ENABLE PROPERTY TAX ABATEMENT FOR RETAIL USES

WHEREAS, Indiana Code 6-1.1-12.1; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, On April 14, 2008, the Highland Town Council adopted Resolution No. 2008-13 designating an Economic Development Revitalization Area at 2609 Forty Fifth Street; and

WHEREAS, IC 6-1.1-12.1-3(e) provides that any facility the primary purpose of which is retail food or beverage service; automobile sales or service; or other retail is not eligible for property tax abatement unless the facility is located in an Economic Development Target Area; and

WHEREAS, The Highland Redevelopment Commission desires to have the Real Estate located at 2609 Forty Fifth Street designated as an Economic Development Target Area for the purpose of offering property tax savings for retail uses; and

WHEREAS, IC 6-1.1-12.1-7(a)(1) enables the Town Council to designate an Economic Development Target Area by ordinance after a favorable recommendation by the Economic Development Commission in a specific geographic territory that *"has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property"*; and

WHEREAS, IC 6-1.1-12.1-7(b) enables the Town Council to designate up to 15% of the total geographic territory of the town to be in Economic Development Target Areas;

WHEREAS, At a meeting held March 28, 2008, the Highland Economic Development Commission determined the area proposed for an Economic Development Target Area within the Economic Revitalization Area that is located at 2609 Forty Fifth Street is substantially less than 15% of the total geographic territory of the town; and

WHEREAS, At the meeting held March 28, 2008, the Highland Economic Development Commission unanimously recommended designation of an Economic Development Target Area located at 2609 Forty Fifth Street to enable property tax abatement for retail uses; and

NOW THEREFORE, IT IS FOUND, DETERMINED AND ORDAINED, by the Town Council of the Town of Highland as follows:

Section 1. That the foregoing findings in the preamble to this ordinance are true, all information required to be submitted has been submitted in proper form and all requirements for approval of property tax abatement for retail uses located at 2609 Forty Fifth Street have been met.

Section 2. That the real estate within the Economic Revitalization Area established by Resolution No. 2008-13 adopted April 14, 2008, that is located at 2609 Forty Fifth Street as described in **Exhibit A** attached and incorporated herein by reference, is found to be, declared and designated an Economic Development Target Area.

Section 3. That a property owner within said Economic Development Target Area who seeks tax abatement must submit an application of a form approved by the Redevelopment Commission and a "Statement of Benefits" (Form SB-1) prescribed by the Indiana Department of Local Government Finance before installing new equipment or before the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. The application will establish standards to be used for evaluating applications for tax deduction that have a reasonable relationship to development objectives and design standards of the Redevelopment Commission. The application fee shall be \$250.00 to defray actual processing and administrative costs.

Section 4. That in the consideration of all abatement applications for retail uses, the Town Council will hold a public hearing before making its decision whether to approve a deduction. The Town Council may approve a deduction period up to ten (10) years.

Section 5. That the Clerk-Treasurer is authorized and directed to file a copy of this ordinance, including a description of the real estate as contained in **Exhibit A**, with the Lake County Auditor and the Department of Local Government Finance.

Introduced and Filed on the 14th day of April 2008. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 28th Day of April 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

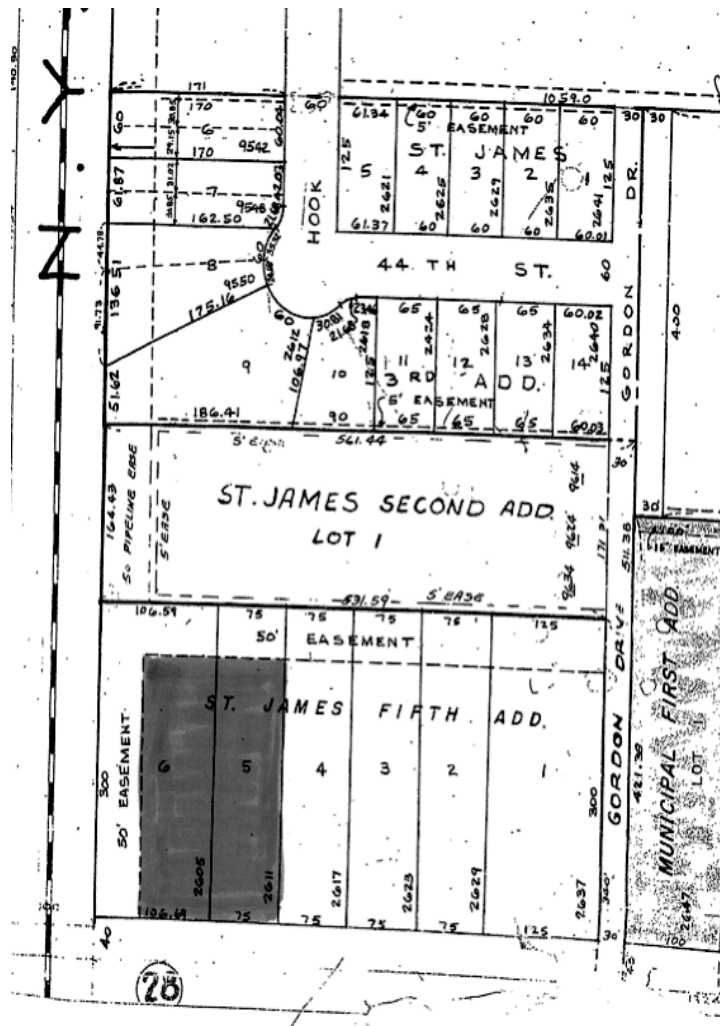
Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

EXHIBIT A

Legal Description of 2609 Forty-Fifth Street

Lots #5 and #6 of the St. James Fifth Addition in the Town of Highland, Indiana



2. **Introduced Ordinance No. 1389:** An Ordinance to Amend the Chapter 50 of the Highland Municipal Code, entitled *Fire Department*, making modifications and technical corrections. Councilor Herak introduced and field Ordinance No. 1389 at the Town Council meeting of 14 April 2008. There was no further action.

Councilor Kuiper moved the passage and adoption of Ordinance No. 1389. Councilor Novak seconded. Prior to the roll call, an amendment was approved, details of which follow. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted as amended.

After the motion to adopt but prior to the roll call, Councilor Herak moved that the Ordinance be amended at Section § 50.06 (A) adding to the existing provision the following as shown in italics:

§ 50.06 DUTIES AND FUNCTIONS OF FIRE CHIEF.

(A) The Fire Chief/Fire Inspector shall manage all activities of the Highland Fire Department and **perform such other duties as may be assigned by this code including**

serving as the Chair of the Exigency Incident/Disaster Committee, and the preparation and maintenance of the disaster response plan.

Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The amendment was adopted.

ORDINANCE No. 1389
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE AMENDING CHAPTER 50 OF THE HIGHLAND MUNICIPAL CODE ENTITLED FIRE DEPARTMENT

WHEREAS, In consequence of the execution of its public safety powers, set forth in IC 36-1-4, and IC 36-8, the Town of Highland through its Fire Department, the Town Provides Fire prevention, suppression, life and limb and other emergency public safety services; and

WHEREAS, I.C. 36-1-3-4 et sequitur, provides that a unit of town government possesses all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and

WHEREAS, It has been determined that several provisions of Chapter 50 need to be modified and enhanced to reflect current and desired practices in the Fire Department; and

WHEREAS, The Town Council has determined the municipal code requires amendment in order to further perfect its organization and the Fire Department.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Chapter 50 of the Highland Code of Ordinances is hereby amended by repealing it in its entirety and replacing it with a new chapter, numbered 50, and entitled *Fire Department*, which shall read as follows:

CHAPTER 50: FIRE DEPARTMENT

Section

- 50.01 Created
- 50.02 Duties of the Department
- 50.03 Personnel generally
- 50.04 Constitution and by-laws
- 50.05 Compensation
- 50.06 Duties and functions of Fire Chief
- 50.07 Qualifications and other requirements **of the Fire Chief**
- 50.08 **Additional Duties of Fire Chief**
- 50.09 Mutual aid agreements and calls outside town

§ 50.01 CREATED.

There is hereby created a Fire Department for the Town of Highland.

§ 50.02 DUTIES OF THE DEPARTMENT

(A) It shall be the duty of the Fire Department to provide the following public safety and emergency services:

- (1) Fire protection, including the capability for extinguishing all fires that might be reasonably expected because of the types of improvements, personal property, and real property within the boundaries of the Town.
- (2) Fire prevention, including identification and elimination of all potential and actual sources of fire hazard.
- (3) Hazardous materials spills and incidents response.
- (4) Emergency rescue and preservation of life and vertebrate animals.
- (5) Other purposes or functions related to fire protection and fire prevention.

(B) The Fire Department may provide the public safety and emergency services set forth in this Chapter outside the boundaries of the Town in consequence of an Intergovernmental Agreement, Mutual Aid and Response or other agreements, made pursuant to IC 36-1-7.

§ 50.03 PERSONNEL GENERALLY.

(A) **Subject to the authorization of the Town Council**, the Fire Department shall consist of a Fire Chief, **several assistant Chiefs** and such other officers and persons as may be deemed necessary to effectively preserve life and property in case of fire and/or other emergencies, promoting the prevention of such fire and other emergencies through fire safety education and enforcement of relevant ordinances and/or laws within the town.

(B) The Fire Chief shall be a full-time position **subject to the following**:

- (1) **The Fire Chief** shall be appointed by the Town Council upon receiving a recommendation from the Personnel Committee of the Highland Firemen's Association. The Town Council reserves the right to reject any recommendation from the Personnel Committee and direct that another recommendation be made.
- (2) The Fire Chief shall be a fire fighter who has had no less than 1,000 hours of actual fire fighting experience and has completed the basic fire-fighting course, as prescribed by the Office of the State Fire Marshall.
- (3) The Fire Chief shall enter into a contract with the town with regard to the services to be performed and the full-time Fire Chief position shall be a PERF covered position.
- (4) The Fire Chief's position shall also include all of the duties of the fire inspector. The Fire Chief shall be paid in the amount and manner set forth in the **most recently adopted wage and salary ordinance as may be amended from time to time** for the performance of the duties associated with the position.

(C) The department shall be staffed and operated by officers and members of the Highland Firemen's Association.

§ 50.04 CONSTITUTION AND BY-LAWS.

The Highland Volunteer Fire Department shall operate in accordance with its constitution and by-laws, a copy of which shall be kept on file in the office of the Clerk-Treasurer. The constitution and by-laws shall govern the Fire Department, except where it is in conflict **with Indiana law or this code**.

§ 50.05 COMPENSATION.

(A) The Fire Chief, **such assistant Chiefs as may be authorized, and other officers**, shall each be paid for his **or her** services as necessitated by his rank and position in the department in the amount and manner set forth in the **most recently adopted wage and salary ordinance as may be amended from time to time**.

(B) All members of the Fire Department shall be paid in the amount and manner set forth in the **most recently adopted wage and salary ordinance as may be amended from time to time**, for time actually devoted to the following **activities, tasks or duties**:

- (1) Answering to fire calls and fighting of any fire; or
- (2) **Conducting or assisting the Fire Chief/Inspector in performing fire inspections; or**
- (3) **Performing certain work details related to response readiness or preparedness** that may be authorized by the Fire Chief. **These do not include activities that are custodial or in nature.**
- (4) **Performing certain maintenance details** that may be authorized by the Fire Chief. **These do not include activities that are custodial or in nature.**

(C) **All other employees as may be authorized for the Department** shall be paid in the amount and manner set forth in the **most recently adopted wage and salary ordinance as may be amended from time to time for performing such duties that are consistent with the purposes of this chapter**.

(D) The officially appointed Fire Department mechanic shall be paid in the amount and manner set forth in the **most recently adopted wage and salary ordinance as may be amended from time to time** for his duties relative to the routine maintenance and inspection of all Fire Department vehicles and/or equipment.

(E) Each and every regular member of the Fire Department shall be paid in the amount and manner set forth in the **most recently adopted wage and salary ordinance as may be amended from time to time** for his/her actual attendance at monthly Fire Department membership meetings.

(F) Each and every regular Fire Department member shall be paid in the amount and manner set forth in the **most recently adopted wage and salary ordinance as may be amended from time to time** for attending local informal training classes devoted to fire fighting methods.

(G) **The department shall not employ, anyone who as a municipal employee from another department whose work is at a different type of work for which different straight-time rates have been established, triggering the payment of a rate at weighted average, pursuant to the Fair Labor Standards Act.**

§ 50.06 DUTIES AND FUNCTIONS OF FIRE CHIEF.

(A) The Fire Chief/Fire Inspector shall manage all activities of the Highland Fire Department and **perform such other duties as may be assigned by this code including serving as the Chair of the Exigency Incident/Disaster Committee, and the preparation and maintenance of the disaster response plan.**

(B) Under the general direction of the Town Council, **the Fire Chief shall** manage all activities of the Fire Department.

(C) **The Fire Chief enforces state and town laws, statutes, codes, regulations and ordinances and departmental policies. Interprets laws, statutes, codes, regulations, ordinances, and policies and develops procedures to support uniform execution of all laws, statutes, codes, ordinances, and regulations.**

(D) **The Fire Chief** conducts fire inspections of multi-family residential, commercial and industrial occupancies to ensure compliance to the Town's Fire Code and regulations.

(E) **The Fire Chief** appoints and directly supervises Assistant Chiefs who perform combat, training and administrative duties as prescribed by the Chief. **The Fire Chief** conducts semi-annual performance appraisals and provides ongoing coaching and counseling. **He or she** communicates orders and information and makes work assignments.

(F) **The Fire Chief** has overall responsibilities for staffing; including the interviewing for all department positions vacancies; and the hiring, disciplining and recommended dismissal of the Fire Department's civilian and uniformed volunteer employees.

(G) **The Fire Chief** has budgetary responsibility for the department. **He or she** authorizes all expenditures within the budget approved by the Town Council, **subject to IC 5-11-10-1.6, IC 6-1.1-17, IC 6-1.1-18 and IC 36-5-4 et seq.**

(H) **The Fire Chief** oversees the record keeping operation to ensure that methods used are accurate and adhere to state and town requirements.

(I) **The Fire Chief** maintains custody and full charge of all department's buildings, apparatus and equipment.

(J) **The Fire Chief** attends all department head meetings **and** public meetings of the Town Council. **He or she may** represent the town at various other meetings.

(K) **The Fire Chief** may serve as the department's spokesperson to the press and the public. **He or she may** appear before the civic groups and the media to inform, educate, or answer questions regarding the operation of the department.

§ 50.07 QUALIFICATIONS AND OTHER REQUIREMENTS OF THE FIRE CHIEF.

(A) The person serving as Fire Chief shall possess the following attributes and job qualifications:

- (1) *Relevant knowledge.* Fire Chief shall have a thorough knowledge of and ability to interpret and apply state and town fire prevention and building construction codes and ordinances, and department policies and procedures and directives; leadership supervisory and training skills; investigatory skills; fire report writing skills; reading skills; strong public speaking skills; thorough understanding of capital and operational budgeting practices; ability to respond to varying situations with tact and diplomacy and deal with stressful or irrational persons; able to make split-second decisions that could affect the well-being of the public and the department.
- (2) *Experience.* Fire Chief shall possess the relevant, meaningful experience as a firefighter as required by the Highland Fire Department Rules and Regulations, Highland Firefighters Association Constitution as adopted by this code. In addition, college education or related academic education or experience is preferred.
- (3) *Machines, tools, equipment, software.* Fire Chief must have a knowledge of and ability to operate various firefighting apparatuses and equipment, a typewriter, computer terminal, telephone, two-way radio, computer hardware, computer software and various office supplies.
- (4) *Licenses, certificates, age.* Fire Chief should possess a National Fire Prevention Association (NFPA) Fire Officer 1 Certificate or a Masters rating in either tactics or management pursuant to the Indiana Firefighting Standards, a valid Hazardous Material Technician Certificate, a valid Indiana driver's license and should be at least 21 years of age.

(B) In addition to any other prescribed by the Constitution of the Highland Firefighters Association, before entering into the duties of the position, the Fire Chief shall be required to take and subscribe an appropriate oath of office as set forth in I.C. 5-4-1 et seq., with such oath to be filed in the office of the Clerk-Treasurer.

§ 50.08 ADDITIONAL DUTIES OF FIRE CHIEF.

The Fire Chief or his designee shall **maintain** an accurate record of time that members actually devoted to answering of fire alarms and attending and/or fighting any fires, make necessary computations, and, in addition, keep a record of those attending the monthly fire drills or classes of instruction. **The Fire Chief** shall arrange to have proper accounts payable vouchers filed with the Clerk-Treasurer, **pursuant to IC 5-11-10-1.6 and IC 36-5-4 et seq.**

§ 50.09 MUTUAL AID AGREEMENTS AND CALLS OUTSIDE TOWN.

(A) The Fire Chief with the advice and consent of the Town Council is authorized to enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to establish a mutual aid system.

(B) No apparatus shall be hired out or permitted to leave the town except in response to a call for aid at a neighboring community without the **Fire Chief's** consent. The officer in charge of the department shall have power to assign equipment for response to calls for outside aid in accordance with **subdivision (A)** of this section, and in other cases only when the absence of such equipment will not jeopardize protection of the town.

Section 2. All provisions of ordinances in conflict with the provisions hereof are hereby repealed with such amendments hereby enacted pursuant to §10.17 of the Highland Municipal Code.

Section 3. This ordinance shall become and be in full force and effect from and after its adoption, passage and publication in the manner prescribed by law and until its subsequent amendment or repeal by proper ordinance.

Introduced and Filed on the 14th day of April 2008. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

Duly Ordained and Adopted this 28th Day of April 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Works Board Order No. 2008-12:** An Order of the Works Board Authorizing and approving a purchase agreement and price for the property at 3315 Ridge Road, in the amount of \$132,500 contingent upon funding by May 19 and authorizing earnest money in the amount of \$2,000. *At its meeting of April 14, 2008, the Town Council passed Resolution No. 2008-15. It authorized, ratified and instructed the public works director to obtain two appraisals of the property at 3315 and 3309 Ridge Road, pursuant to IC 36-1-10.5 et seq. At the same meeting the Town Council President was authorized to negotiate with the seller of the property at 3315 Ridge Road, and to make an offer for purchase, not to exceed \$132,500 and report back to the Town Council.*

Councilor Novak moved the passage and adoption of Works Board Order No. 2008-12. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2008-12**

An Order of the Works Board Authorizing and approving a purchase agreement and price for the property at 3315 Ridge Road, Highland, in the amount of \$132,500 contingent upon funding and authorizing the payment or deposit of earnest money in the amount of \$2,000.

Whereas, The Town Council as the fiscal body and purchasing agency for the Municipal Corporation did pass and adopt **Resolution No. 2008-15** at its meeting of April 14, 2008, in which it expressed interest in the possible acquisition of Highland properties located at 3309 and 3315 Ridge Road, and instructed the Public Works Director to acquire two appraisals of the properties pursuant to IC 36-1-10.5-5 et seq.;

WHEREAS, PURSUANT TO THE FOREGOING, THE PUBLIC WORKS DIRECTOR ENGAGED THE APPRAISAL SERVICES OF BOCHNOWSKI APPRAISAL COMPANY AND KVT, INCORPORATED, BOTH TRAINED AND LICENSED AS BROKERS UNDER IC 25-34.1, TO APPRAISE THE FAIR MARKET VALUE OF THE PROPERTY LOCATED AT 3315 RIDGE ROAD AND 3309 RIDGE ROAD;

Whereas, Bochnowski Appraisal Company and KVT, Incorporated have prepared and submitted written appraisals for the properties located at 3315 and 3309 Ridge Road and have determined the fair market value as follows:

| <u>Location</u> | <u>Bochnowski</u> | <u>KVT, Inc.</u> | <u>Average</u> |
|-----------------|-------------------|------------------|----------------|
| 3315 Ridge Road | \$133,000.00 | \$132,000.00 | \$132,500.00 |
| 3309 Ridge Road | \$106,000.00 | \$104,000.00 | \$105,000.00 |

Whereas, The Town Council, at its meeting of April 14, 2008 also authorized the Town Council President to negotiate a price and extend an offer to purchase the property at 3315 Ridge Road, at a price not to exceed the average of the two appraisals, that being \$132,500, and that any offer be contingent upon financing; and

Whereas, The Town Council President made an offer of \$132,500, contingent upon financing, which has been accepted by the seller;

Whereas, The seller has presented a real estate sales agreement in support of the offer made by the Town Council President and the acceptance; and,

Whereas, the Town Council as the Works Board of the Municipality, pursuant to §31.17 (A) (X) of the HMC serves as purchasing agency for the Municipal Corporation;

Whereas, The purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) of the HMC requires the express approval of the purchasing agency;

Whereas, The source of funding and the manner of financing have yet to be determined so there is at present no sufficient appropriation in order to support the purchase, but as evidence of good faith, a payment of \$2,000 earnest money is due as part of the forgoing agreement; and

Whereas, The Town Council now desires to approve and authorize the proper officers to complete the purchase pursuant to the terms stated herein,

NOW THEREFORE BE IT SO ORDERED by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the purchase of the property located at **3315 Ridge Road, Highland**, for a purchase price of \$132,500 is authorized and approved contingent upon the determination and availability of financing;

Section 2. That the payment of earnest money in the amount of \$2,000 is hereby authorized to evidence the good faith of the municipal corporation in this matter;

Section 3. That the land purchase agreement presented as an exhibit to this works board order is hereby approved in all respects, contingent upon financing, and subject to the laws of the state of Indiana and the ordinances of the Town of Highland;

Section 4. That the proper officers of the municipality are hereby authorized to execute all documents necessary to implement the purchase of the property subject to the contingencies herein provided;

Section 5. That the Municipal Fiscal Officer and the Town Council attorney are hereby authorized to take the necessary measures to identify and secure the most optimum manner of financing for the purchase of the property subject to the constraints of current financial circumstances and financing environment, to carryout the purchase of this property.

Be it So Ordered.

Duly, Passed and Adopted by the Town Council of the Town of Highland, Lake County, Indiana this 28th day of April 2008 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Resolution No. 2008-16:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Office of the Town Council of the Corporation General Fund as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6. This resolution reduces Town Council Travel by \$2,000 and increases purchase of property by same amount to provide earnest money on Purchase of 3315 Ridge Road. (This resolution to be considered only if Works Board Order 2008-12 is adopted.)

Councilor Vassar moved the passage and adoption of Resolution No. 2008-16. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2008-16**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the Office of the Town Council of the CORPORATION GENERAL FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT to IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the Office of the Town Council of the Corporation General Fund;

WHEREAS, The Town Council has been advised that the transfer would involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the Office of the Town Council of the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2002 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

CORPORATION GENERAL FUND

Office of the Town Council

| | |
|--|-------------|
| Reduce Account #320.02 Council Travel Expenses | \$ 2,000.00 |
| Total 300 Series Reductions | \$ 2,000.00 |

| | |
|--|-------------|
| Establish and Increase Account #400.01 Land Purchase | \$ 2,000.00 |
| Total 400 Series Increases | \$ 2,000.00 |

| | |
|------------------------------|-------------|
| Total of All Fund Decreases: | \$ 2,000.00 |
| Total of All Fund Increases: | \$ 2,000.00 |

DULY RESOLVED and ADOPTED this 28th Day of April 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Committee Reports

- **Councilor Mark Herak:** *Advisory Board of Zoning Appeals Liaison • Board of Sanitary Commissioners Liaison • Special Events Advisory Committee, Liaison.*

Councilor Herak reported on weather delaying the schedule start of the smoke testing to identify further the possible compromised sanitary sewer infrastructure as suggested by the report presented by DLZ Engineering. Lawson-Fisher Associates are supervising the project.

Councilor Herak reported that the Special Events Advisory Commission had food vendor applications were on line for the forthcoming Independence Day Festival. He noted that the Memorial Day ceremonies would be conducted at 10:00 a.m. at the Main Square Park.

- **Councilor Dan Vassar:** *Parks and Recreation Board Liaison • Building and Inspection Committee • Plan Commission member.*

Councilor Vassar reported from the Parks and Recreation Department that the summer program brochure would be issued in the current week; He further noted the annual National Day of Prayer event was cancelled due to lack of organizational support; He commended the 122 park volunteers who even in the rain participated in the annual Park Pride Day.

- **Councilor Brian Novak:** • *Waterworks Board Liaison • Fire Personnel Committee Lake County Solid Waste Management District Board of Directors member • Insurance Committee, member.*

Councilor Novak the status of several projects under the aegis of the Waterworks Department, including the water main replacement scheduled for Gordon Place.

Councilor Novak acknowledged and noted a letter to the Editor appearing in the TIMES Newspaper, from a resident Jack Junkett commending the service of the Highland Fire Department related to a recent house fire; Five firefighter/officers would be participating in the forthcoming officer development to test for fire officer tactics.

- **Councilor Konnie Kuiper:** *Town Board of Metropolitan Police Commissioners Liaison • Traffic Safety Commission Member • Chamber of Commerce Liaison.*

Councilor Kuiper commented on his positive impressions on the work of 12 VIPS who assisted with the recent March of Dimes Walk in Highland. He reminded all of the Annual Police Officer Memorial to be conducted on Saturday, May 10, at 9:00 a.m.

- **Councilor Bernie Zemen:** *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Redevelopment Commission Liaison • Plan Commission member • Insurance Committee, member.*

Council President Zemen reported that the Redevelopment Commission was discussing the merits of expanding the existing Redevelopment District. He further reported that the commission is seeking land to which the Public Works Facility and the Sharp Athletic Complex may be relocated to support the possible development of the north Kennedy Avenue corridor. It was noted that 21 cares may be necessary.

Comments from the Public for Matters not on the Agenda

1. Joe Bartok, 9324 Spring Creek Drive, inquired on the progress of developing an amendment to the current code regarding the Moped license fee of \$100.
2. Jim Diehl, 10104 Kennedy Avenue, Highland, inquired about measures the town may be taking to prepare for mosquito control and abatement, noting higher volumes of standing water.
3. Dean Stannis, 9324 Spring Creek Drive, inquired about the status of a proposed town promotional video for the Town's website. He noted it had been mentioned in a previous meeting by the Redevelopment Director.

Payment of Accounts Payable Vouchers. There being no further business from the floor, Councilor Herak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period April 15, 2008 through to April 28, 2008. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$394,260.47; Motor Vehicle Highway and Street (MVH) Fund, \$59,052.02; Forfeited and Seized Assets Fund, \$1,645.46; Gasoline Agency Fund, \$1,163.88; Information and Communications Technology Fund, \$3,289.33; Special Events Non Reverting Fund, \$25,900.00; Special Events Non Reverting Fund, \$5.65; Police Pension Fund, \$58,139.36; Municipal Cumulative Capital Development Fund,

\$697.50; **General Improvement Fund**, \$12.00; **Traffic Violations Agency Fund**, \$3,440.00; **Total: \$521,705.67.**

Adjournment. Councilor Kuiper moved that the meeting be adjourned. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The regular meeting of the Town Council of Monday, April 28, 2008 was adjourned at 8:09 O'clock p.m.

There was no study session following the meeting.

Michael W. Griffin, IAMC/CMC/CPFA
Clerk-Treasurer